

Compliant and Appeal Policy

Performance Goal:

People are able to register complaints and exercise their due process rights.

Requirement:

The Aging and Disability Resource Center shall maintain and implement due process procedures to review and resolve complaints and appeals. These policies and procedures shall be reviewed and approved both by the ADRC governing board, committee or commission and by the Department. The complaint and appeal process shall be consistent with applicable federal and state statutes and administrative rules.

Topics for Inclusion in ADRC Policies and Procedures:

A. Definitions *(to ensure consistency, the following definitions are provided for use in ADRC policies and procedures)*

- **Complaint:** A grievance, difficulty, disagreement or dispute. An expression of dissatisfaction about a situation that the person making the complaint wants to see rectified.
- **Grievance:** A complaint.
- **Appeal:** An official request to change the outcome of a determination related to eligibility for public benefits or the reduction, elimination or denial of services provided as part of a public benefit.
- **Complainant:** An ADRC customer, or person acting on the customer's behalf, to express or file a complaint or appeal.

B. ADRC Procedure for Informing and Assisting Customers in Exercising their Rights

- An explanation of who can submit a complaint.
- An explanation of how and when ADRC staff will inform customers of their rights. What written information will be expected to be provided to customers (such as a complaint and appeal brochure), and when is it to be given?
- How assistance will be given to persons in understanding the process or in the completion of the formal complaint or appeal.
- When and how people will be informed by ADRC staff about, and/or be referred to external advocacy agencies for assistance with filing a complaint or appeal.
- A statement that the ADRC staff shall refrain from any reprisal or threat of reprisal against any person registering a complaint or appeal.

- An explanation that the person is not precluded from using any or all complaint and appeal processes outlined in this policy.

C. Informal Internal Complaint Process and Procedure

- **Definition:** Procedure for addressing any concern or complaint expressed to staff or a supervisor of the ADRC.
- **Customer Process for Expressing an Informal Complaint**
 - What procedures customers will be told to follow in order to make an informal complaint. This may include an explanation that complaints can be made informally, either verbally or in writing. Suggestion boxes, surveys, phone calls and direct contact are some ways to gather informal complaints.
- **ADRC Procedure for Responding to an Informal Complaint**
 - An explanation of what ADRC staff who receive an informal complaint are expected to do. Topics may include:
 - Take all complaints seriously
 - Encourage staff and customer discussion as a first step toward resolution
 - If the person is not satisfied with the conclusions of the informal discussion, what is the customer's next course of action? Staff may be expected to inform the complainant that they can talk to a manager and/or be informed in writing of the formal complaint process
 - Timelines for staff to contact the customer, follow-up, and complete the informal process (i.e. within 10 business days)
 - ADRC staff expectations for documentation
 - A statement that persons are not required to go through the informal process before moving to the formal process

D. Formal Internal Complaint Process and Procedure

- **Definition:** Procedure for addressing a complaint with the expectation that management will investigate and provide a written summary of findings, propose a resolution, and take action.
- **Customer Process for Filing a Formal Complaint**
 - A description of the process that a customer should follow to file a formal complaint
 - What written or electronic form, if any, is available for the customer to express their complaint and request a resolution or other action of the ADRC
 - Who is the best person for the customer to give the written request/formal complaint to?

- Timelines for making a written formal complaint (i.e. within 45 days of the incident with an opportunity for an extension for a reasonable cause)
- **ADRC Procedure for Responding to a Formal Complaint**
 - An explanation of what ADRC staff who receive a formal complaint are expected to do. Topics may include:
 - Expectations for communication and action. Who should be informed, by when? Who will be responsible for conducting the investigation? Will the investigation be delegated/assigned? By whom?
 - Expectations for the investigation. Are staff expected to call the complainant? Arrange a meeting? How are staff to conduct themselves during the investigation?
 - Expectations for documentation (i.e. a written report that includes a summary of the issue or problem, results of the investigation, and proposed resolution including what will change and how the change will be measured).
 - Timelines for completion (i.e. complete formal process within 15 business days of the time the complaint is received).
 - Responsibility of and expectations for the provision of a written notice to complainant and other affected parties, including: the decision reached, the name of the contact person, the date of the decision, a summary of steps taken on behalf of the person to resolve the issue, other steps the customer can take if he/she disagrees with the decision.

E. External Review Process and Procedure

- **Definition:** Procedure for addressing a complaint made to the Wisconsin Department of Health Services with the expectation that the appropriate agency will complete a timely review, investigation and analysis of the facts in an attempt to resolve concerns and problems expressed by a complainant.
- **Customer Process for Filing an External Complaint**
 - An explanation that ADRC customers may request an external review by the Wisconsin Department of Health Services (DHS) either verbally or in writing.
 - Complaints about ADRCs can be made to the Office for Resource Center Development
 - Complaints about a managed care organization can be made to MetaStar
 - Complaints related to an IRIS service provider, an Independent Consultant, or the Financial Services Agency can be made to the Independent consultant Agency. Those relating to the Independent Consultant Agency can be made to the Bureau of Long Term Support.

- **Wisconsin Department of Health Services Procedure for Responding to a Formal Complaint–**
 - The Department will complete a review within twenty (20) business days of the date of receipt of a request for review from a complainant, unless the individual and the Department agree to an extension for a specified period of time.

F. Appeal Process and Procedure

- **Statement of Appeal Rights.** A statement that customers have the right to access the State Fair Hearing process to appeal a determination of ineligibility for long-term care benefits, or the reduction, elimination or denial of services provided as part of a public benefit.
- **ADRC Process for Notifying People of Functional Ineligibility and Appeal Rights**
 - Notice of a decision given when a person is not functionally eligible. See <https://www.dhs.wisconsin.gov/adrc/pros/sample-dfe.doc>
 - Notice of a decision given when a person is eligible at a non-nursing home level of care. <https://www.dhs.wisconsin.gov/adrc/pros/sample-nonnh-loc.doc>
 - Notices include appeal information
- **Customer Process for Requesting a State Fair Hearing**
 - Where customers can file for a hearing (i.e. Division of Hearings and Appeals and contact information.)
 - Timelines for filing (i.e. Within 45 calendar days after receipt of a notice of a decision or failure to act.)
 - Methods for filing (i.e., in writing.)

G. Quality Assurance

- How staff will be trained to handle complaints and appeals.
- How the ADRC will monitor the incidence, nature and resolution of complaints and appeals
 - What are your processes for considering and acting on complaints?
 - Are complaints shared and discussed with the Governing Board?
 - Are complaints discussed at staff meetings?
- How are complaints used as a basis for making improvements in the performance of the ADRC?

For additional information:

- ADRC Contract, Exhibit I, Article V.
<http://www.dhs.wisconsin.gov/LTCare/adrc/pros/index.htm>
- MCO contract, Chapter XI, Grievances and Appeals
<https://www.dhs.wisconsin.gov/familycare/mcos/contract.htm>
- Model Complaint and Appeal Policy and Procedure
<https://www.dhs.wisconsin.gov/adrc/pros/opsguide-7.htm>
- Send requests for further information to DHSRCteam@wisconsin.gov